



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. **04-76**

Date: **18 November 2004**

Application No. **2004-01158**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
(Attn: Kathleen J. Kuna)
3701 Bell Road, Nashville, TN 37214
kathleen.j.kuna@usace.army.mil

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
AND
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SUBJECT: Proposed Deposition of Fill Material into Wetlands and the encapsulation of one unnamed intermittent tributary to Bradford Creek for the construction of the proposed Whitworth Farms Subdivision and Commercial Property in Madison, Limestone County, Alabama

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act** (CWA). Before a permit can be issued, the Alabama Department of Environmental Management (ADEM), pursuant to Section 401(a) (1) of the CWA, must provide certification that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: **DILTINA Development Corporation**
7545-A Highway 72 West
Madison, AL 35758
(256) 722-2002

LOCATION: Wetlands adjacent an unnamed tributary to Bradford Creek in the NW corner of the intersection of County Line Road and Hardiman Road. Bradford Creek is a tributary of Barren Fork Creek, a tributary to the Tennessee River at Mile 321.0, Right Bank. USGS Quad Map Madison, AL; Latitude N34° 41.996', Longitude W86° 47.198'

DESCRIPTION: The proposed action is the deposition of approximately 27,000 cubic yards of clean fill material into 4.92 acres of emergent and forested wetlands, and the encapsulation of approximately 407 linear feet of the unnamed intermittent headwater tributary. A wetland delineation, prepared by Robinsong Ecological Restorations, Huntsville, AL, was submitted with the permit application. The Corps of Engineers verified the findings of the delineation by letter dated July 7, 2004. There are a total of

5.50 acres of jurisdictional wetlands on the property, 0.58 of which would be avoided and placed into a conservancy easement. The tributary would be encapsulated from the outlet point of the wetlands to a retention pond (located in uplands) and then into a concrete flume along the southeast corner of the property line to the County Line Road culvert.

The applicant proposes to mitigate for the loss of the 4.92 acres of wetlands by the purchase of 10.00 wetland credits at (a 2:1 ratio) from the Flint Creek Wetland Mitigation Bank located within the same watershed in Morgan County, AL. In addition, native trees and shrubs would be planted around the 2.23 acre retention pond for habitat enhancement. Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist

which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time. Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of ADEM in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

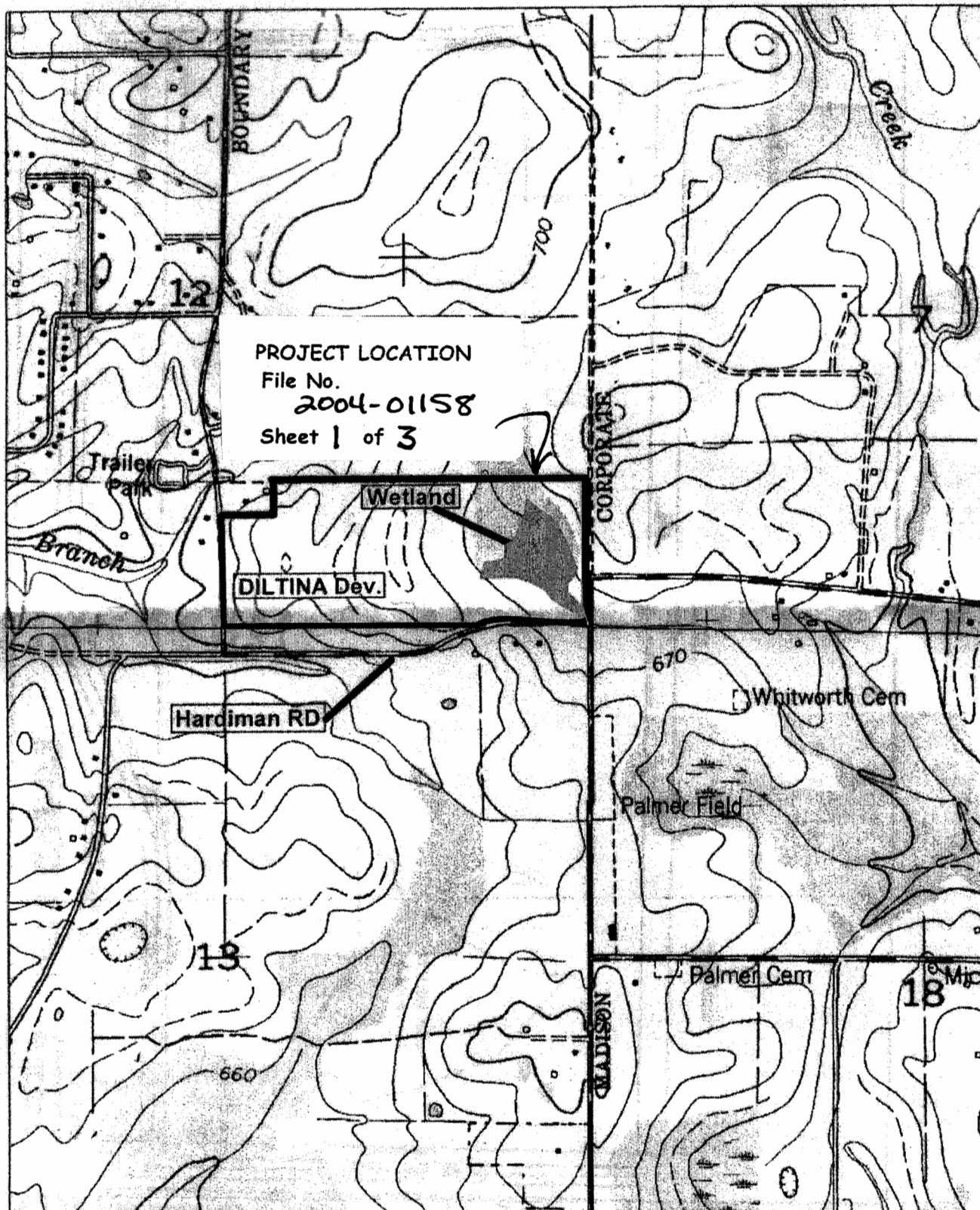
Written statements received in this office on or before December 18, 2004 will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Kathleen Kuná, at the above address, telephone (615) 369-7506.

It is not necessary to comment separately to ADEM since copies of all comments will be sent to them and will become part of their record on the proposal. However, comments sent to ADEM should be sent directly to the Mining and Nonpoint Source Section, Field Operations Division, ADEM, P.O. Box 301463, Montgomery, AL 36130, telephone (334) 394-4302, email mnps@adem.state.al.us.

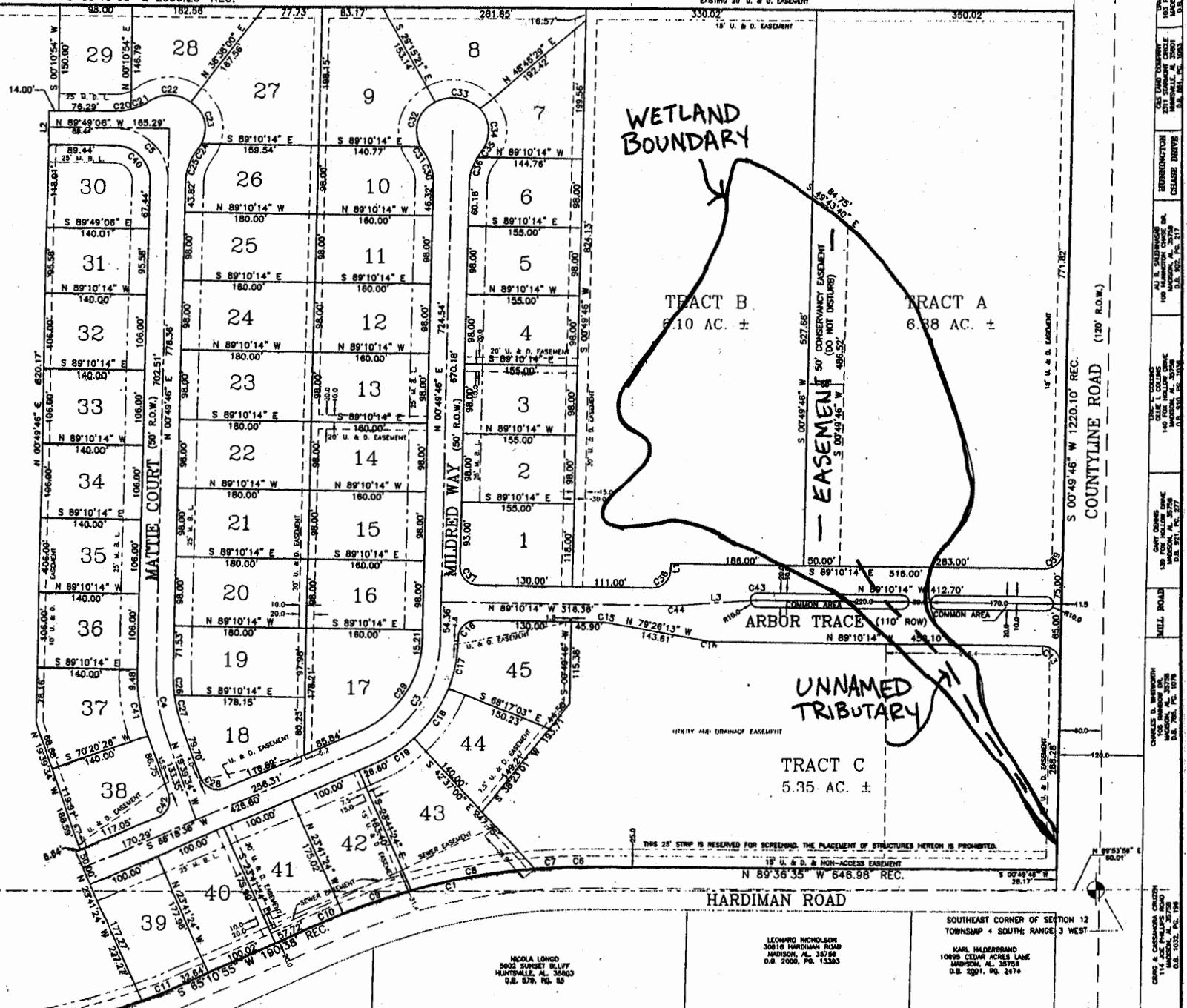
Figure 2 Vicinity Map with File Number

GREENBRIAR Q.UAD.

200401158



S 89°49'08" E 2556.20' REC.



GENERAL NOTES

- 1) THIS SUBDIVISION CONTAINS 60.80 ACRES, MORE OR LESS, IN 45 LOTS AND 4 TRACTS.
- 2) THE SMALLEST LOT IS 13271 SF.
- 3) THIS SUBDIVISION IS ZONED R-3A AND B-2.
MIN SETBACKS FOR R-3A: 25' FRONT YARD, 25' REAR YARD,
8' SIDE YARD (EXCEPT ON CORNERS WHERE SETBACK SHALL BE 20'
ON ROAD RIGHTS-OF-WAY).
MIN SETBACKS FOR B-2: 50' FRONT YARD, 10' REAR YARD (WHICH IS TO CONTAIN
A PAVED ALLEY), 10' SIDE YARD.
- 4) THERE IS A 15' PUBLIC UTILITY AND DRAINAGE (U&D) EASEMENT ALONG ALL
STREET RIGHTS-OF-WAY AND A 15' WIDE U&D ALONG THE INSIDE SUBDIVISION
PERIMETER UNLESS SHOWN OTHERWISE.
- 5) ALL DRAINAGE DITCHES AND SWALES ARE TO BE CENTERED ON PROPERTY
UNLESS OTHERWISE SHOWN.
- 6) ALL UTILITIES SHALL BE UNDERGROUND.
- 7) ALL LOTS SHALL BE GRADED SO THAT RUN-OFF WILL BE DIRECTED TO THE
STREETS OR TO DRAINAGEWAYS WITHIN A DEDICATED EASEMENT.
- 8) THERE ARE 3354± LF OF STREETS WITH THIS SUBDIVISION.
- 9) A 4' WIDE CONCRETE SIDEWALK IS REQUIRED ON BOTH SIDES AS SHOWN.
- 10) SIDEWALK RAMPS SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES
ACT (ADA) SPECIFICATIONS WITH DETECTABLE WARNING PAVEMENT INLAYS.
- 11) INDIVIDUAL HOME BUILDERS ARE TO CONSTRUCT REQUIRED SIDEWALKS ADJACENT
TO THEIR BUILDING SITE AS A CONDITION PRECEDENT TO THE ISSUANCE OF A
CERTIFICATE OF OCCUPANCY.
- 12) IF ADVERSE CONDITIONS ON SITE ARE UNCOVERED DURING CONSTRUCTION, THE
CITY ENGINEER MAY REQUIRE MODIFICATION OF THESE PLANS TO THE EXTENT
NECESSARY TO ASSURE COMPLIANCE WITH THE CITY'S CONSTRUCTION SPECIFICATIONS
MANUAL.
- 13) A 5/8" CAPPED REBAR WILL BE SET AT EACH LOT CORNER UNLESS SHOWN OR
STATED OTHERWISE.
- 14) OWNER/DEVELOPER: WOODLAND HOMES, INC.
7545 HIGHWAY 72 W
MADISON, AL 35708
(256) 721-9255
HILLIS H. TUCKER, TRUSTEE
HILLIS H. TUCKER REVOCABLE LIVING TRUST
D.B. 95382, PG. 31
- 15) ENGINEER/SURVEYOR: CIVIL SOLUTIONS, L.L.P.
7 TOWN CENTER DRIVE, SUITE 201
HUNTSVILLE, AL 35899
(256) 539-3431
- 16) THERE IS A 5' U&D EASEMENT AROUND THE PERIMETER OF EACH LOT, EXCEPT WHERE
OTHERWISE NOTED.
- 17) THIS PROPERTY LIES WITHIN ZONE "X" & "C" (AREA OUTSIDE 500 YEAR ZONE) ACCORDING TO
FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE RATE MAP FOR Limestone
COUNTY, ALABAMA, FIRM COMM. PANEL NO. 010307 0175 D, DATED MAY 2, 1999 AND
FIRM COMM. PANEL NO. 010308 0285 D, DATED APRIL 20, 1998.
- 18) CORNER LOTS WHOSE HOUSE IS ORIENTED PARALLEL WITH THE STREET SHALL MAINTAIN
THE MINIMUM BUILDING LINE ALONG THAT STREET (25.0'). THE REMAINING STREET
MAY HAVE A MINIMUM BUILDING LINE OF 20 FEET.
- 19) COMMON AREAS ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

FILE NO.

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Sheet 2 of 3

FORM 100
7/1/04
P. 40 33768
O.B. 392, PG. 21

CONGRESS AND
REIN DESCRIBED
TECHNICAL
ALABAMA BOARD

ADDITION
P.B. 0 POS. 33 & 34
HERITAGE PLANTATION, INC.
721 CLINTON AVENUE
HUNTSVILLE, AL 35891
O.B. 392, PG. 21

FILE NO.

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WETLAND DELINEATION

50' CONSERVANCY EASEMENT
(DO NOT DISTURB)

50' CONSERVANCY EASEMENT
(DO NOT DISTURB)
0.58± AC

PLANT 5 HARDWOOD SPECIES ON 12'X12'
ALT CENTER (3" CALIPER) AROUND PR POND
QUERCUS FALCATA (CHERRYBARK OAK)
QUERCUS SHUMARDII (SHUMARD OAK)
BETULA NIGRA (RIVER BIRCH)
NYSSA AQUATICA (TUPELO GUM)
TAXODIUM DISTICHUM (BALD CYPRESS)

PLANT 3' TALL (BARE ROOT SEEDLINGS)
IN GROUPS OF 3, 15'X15' ALT. CENTER
SPACING AT WATERS-EDGE AROUND PR POND
AND CONC DITCH.

ITEA VIRGINICA (VIRGINIA SWEETSPIRE)
CLETHRA ALNIFOLIA (SWEET PEPPER BUSH)
CORNUS SERICEA (RED TWIG DOGWOOD)

REQ'D 16 LF 24" RCP
EXTEND EXISTING CULVERT
INTO NEW JUNCTION BOX

ARBOR TRACE

WETLAND DELINEATION

DETENTION POND
2.23 ACRES

WATER LEVEL 667.50
BOTTOM 661.00

PLANTING REQ'D IN HATCHED
AREA AROUND PR POND
SEE PLANTING SCHEDULE ABOVE FOR
SPACING AND PLANT MATLS.

REQ'D SLOPED CONCRETE HEADWALL
REWORK SLOPED INLET
TO RECEIVE WATER FROM
THE WEST

SHRUB PLANTING REQ'D IN HATCHED
AREA AROUND CONC DITCH
SEE PLANTING DETAIL FOR
SPACING AND PLANT MATLS.

268 LF 3' WIDE
CONCRETE FLUME

N 89°36'35" W 646.98' REC.

HARDIMAN ROAD

INV. 666.50